

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Julie McLemore		TELEPHONE NUMBER (601)359-1100	
ADDRESS P.O. Box 1609		CITY Jackson		STATE MS	ZIP 39215 -1609
EMAIL Julie@mdac.ms.gov	SUBMIT DATE 8/28/2013	Name or number of rule(s): Title 2, Part 1 MDAC Rules, Subpart 4, Chapter 8, Sections 103, 105, & 106 Petroleum Products Inspection Law Regs			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The reason for the amendment to 103 is due to the duplication of the word biodiesel in both subsections. The rule adopts HB 130 which was the current tolerance for water in tanks but adds that subsequent changes to HB 130 are included. Section 105 allows for administrative service of process by mail. Section 106 provides that where multiple products of the same octane, particularly ethanol blends and ethanol free are advertised and offered for sale then both prices or the higher price must be advertised. The reason for this rule is due to repeated consumer complaints that signs are misleading because when they pull into the station and access the octane dispenser that is ethanol free the price is higher than what they saw on the sign that caused them to pull in.

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 75-55-3 et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Sections 103, 105, & 106

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: 7/9/2013 Action taken: _____ Adopted with no changes in text <input checked="" type="checkbox"/> Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Andy Prosser, Deputy Commissioner

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.